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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

INTEL CORPORATION and APPLE INC.,

Plaintiffs,

v.

FORTRESS INVESTMENT GROUP LLC,  
FORTRESS CREDIT CO. LLC, UNILOC  
2017 LLC, UNILOC USA, INC., UNILOC  
LUXEMBOURG S.A.R.L., VLSI  
TECHNOLOGY LLC, INVT SPE LLC,  
INVENTERGY GLOBAL, INC., IXI IP, LLC,  
and SEVEN NETWORKS, LLC,

Defendants.

Case No. 3:19-cv-07651-EMC

**INTEL CORPORATION AND APPLE  
INC.'S NOTICE OF ERRATA  
REGARDING THEIR OPPOSITION TO  
MOTION TO DISMISS**

Intel Corporation (“Intel”) and Apple Inc. (“Apple”) hereby file this Notice of Errata Regarding their Memorandum of Points and Authorities in Opposition to Defendants’ Joint Motion to Dismiss and to Strike Plaintiffs’ Amended Complaint (“Opposition”).

In their Opposition, Plaintiffs inadvertently cited the dissenting opinion in *United States v. LSL Biotechnologies*, 379 F.3d 672 (9th Cir. 2004), without identifying it as such. Dkt. No. 208. at 10-11. Plaintiffs became aware of this error from Defendants’ Reply Brief. Dkt. No. 213, at 10-11.

Plaintiffs cited *LSL Biotechnologies*, 379 F.3d at 699, in their Opposition as support for the statement that “Plaintiffs’ new allegations plainly put Defendants on notice regarding the contours of the markets in which the challenged patent transfers have harmed competition.” Dkt. No. 208 at 10-11. Plaintiffs hereby replace the citation to *LSL Biotechnologies* on page 11 at lines 2-5 with a citation to *Newcal Indus., Inc. v. Ikon Office Sol.*, 513 F.3d 1038 (9th Cir. 2008).

- Original sentence: As a result of these new allegations, the 13 exemplar patent markets are much narrower and more clearly defined than the Electronics Patents Market described in the original Complaint and thus remedy the Court’s finding that the Electronics Patents Market was overbroad and insufficiently precise. Order at 14-15. Plaintiffs’ new allegations plainly put Defendants on notice regarding the contours of the markets in which the challenged patent transfers have harmed competition. *See, e.g., United States v. LSL Biotechnologies*, 379 F.3d 672, 699 (9th Cir. 2004) (explaining plaintiffs’ “short and plain statement” defining the relevant market “was more than sufficient to put the defendants on fair notice of the claim and relevant market and enable them to frame responsive pleadings”).
- New sentence: As a result of these new allegations, the 13 exemplar patent markets are much narrower and more clearly defined than the Electronics Patents Market described in the original Complaint and thus remedy the Court’s finding that the Electronics Patents Market was overbroad and insufficiently precise. Order at 14-15. Plaintiffs’ new allegations plainly put Defendants on notice regarding the contours of the markets in which the challenged patent transfers have harmed competition. *See,*

1 *e.g., Newcal Indus., Inc. v. Ikon Office Sol.*, 513 F.3d 1038, 1044-45 (9th Cir. 2008)  
 2 (“[T]he plaintiff must allege both that a ‘relevant market’ exists and that the  
 3 defendant has power within that market. There is no requirement that these elements  
 4 of the antitrust claim be pled with specificity. An antitrust complaint therefore  
 5 survives a Rule 12(b)(6) motion unless it is apparent from the face of the complaint  
 6 that the alleged market suffers a fatal legal defect.”) (citation omitted).  
 7

8 Plaintiffs are filing a Notice of Errata instead of a Motion for Leave to File a Corrected  
 9 Opposition to avoid the need for Defendants to submit a corrected reply brief with updated page and  
 10 line number citations to Plaintiffs’ Opposition.  
 11

12 Defendants have confirmed that they do not object to Plaintiffs filing this Notice of Errata.

13 DATED: November 30, 2020

Respectfully submitted,

14 By: /s/ Mark D. Selwyn

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**CERTIFICATE OF SERVICE**

On this 30th day of November 2020, I hereby certify that I caused the foregoing document entitled Intel Corporation and Apple Inc.'s Notice of Errata Regarding Their Opposition to Motion to Dismiss to be filed via the court's CM/ECF system, which shall send notice to the counsel of record for the parties.

DATED: November 30, 2020

Respectfully submitted,

By: /s/ Mark D. Selwyn

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